



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD
Forty-eighth session
19 May to 6 June 2008

**OPTIONAL PROTOCOL ON THE INVOLVEMENT
OF CHILDREN IN ARMED CONFLICT**

**List of issues to be taken up in connection with the consideration
of the initial report of the United States of America (CRC/C/OPAC/USA/1)**

**The State party is requested to submit in written form additional and updated
information, if possible, before 31 March 2008.**

1. Please provide information on the exact national provisions relating to the crime of forced or compulsory recruitment under 18 years of the Optional Protocol on the involvement of children in armed conflict.
2. Furthermore, please provide detailed information as to whether the USA assumes extraterritorial jurisdiction over the war crime of conscripting or enlisting children under the age of 15 into the armed forces or using them to participate actively in hostilities. Also in relation to extraterritorial jurisdiction, please indicate whether US courts have jurisdiction in case of forced recruitment or involvement in hostilities of a person under 18 if committed outside the USA, by or against a US citizen. Please provide copies of jurisprudence, if applicable.
3. Please inform the Committee of any relevant developments regarding the draft Child Soldiers Prevention Act of 200 and the draft Child Soldier Accountability Act of 2007.
4. Please clarify whether, in a state of emergency or armed conflict, persons under 18 years of age could be required to take direct part in hostilities.

5. Please inform the Committee whether persons under the age of 18 have been deployed to areas of armed conflict, notably to Iraq and Afghanistan, since the entry into force of the Protocol in 2002. If so, please also detail the safeguards undertaken in order to ensure that they do or did not take part directly in hostilities.
6. Please provide the Committee with disaggregated data (by sex and ethnicity) on the number of voluntary recruits under the age of 18 for the years 2004, 2005, 2006 and 2007.
7. Please provide further information on the methods used by military recruiters and which safeguards are available to prevent misconduct, coercive measures or deception. Please also inform the Committee of the number of cases of misconduct among recruiters that have been reported, the number of investigations into such cases and the sanctions applied since the entry into force of the Protocol.
8. Please provide information regarding the training on the provisions of the Optional Protocol provided for soldiers serving in military operations abroad, notably in Iraq and Afghanistan. Please also inform the Committee whether military codes of conduct and rules of engagement take into account the Optional Protocol.
9. Please explain how the State party ensures that private military and security companies contracted by the Department of Defence and the Department of State are informed of the provisions of the Protocol and the obligations contained therein. Please inform the Committee what sanctions can be applied to private contractors for acts contrary to the Protocol and whether there are examples of such cases.
10. Please inform the Committee of the training and dissemination of the Protocol among relevant professional groups working at the national level with children who may have been recruited or used in hostilities, including teachers, migration authorities, police, lawyers, judges, medical professionals, social workers and journalists.
11. Please provide disaggregated data (including by sex, age and country of origin) covering the years 2005, 2006 and 2007 on the number of asylum-seeking and refugee children coming to the USA from areas where children may have been recruited or used in hostilities. Please inform the Committee how refugee and asylum claims from children who have been recruited or used in situations of armed conflict are considered.
12. Please inform the Committee of;
 - (a) The number of children detained at Guantanamo Bay and at other US-administered detention facilities abroad since 2002;
 - (b) The length of time they have been deprived of their liberty;
 - (c) The charges brought against them;
 - (d) The legal assistance available to them;

- (e) The physical and psychological recovery measures available to them;
- (f) The current status of their legal situation;
- (g) How Military Commissions take into account the rights of children;
- (h) Remedies available should they not be found guilty of any offense.

13. Please inform the Committee whether national legislation prohibits the sale of arms when the final destination is a country where children are known to be, or may potentially be, recruited or used in hostilities.
